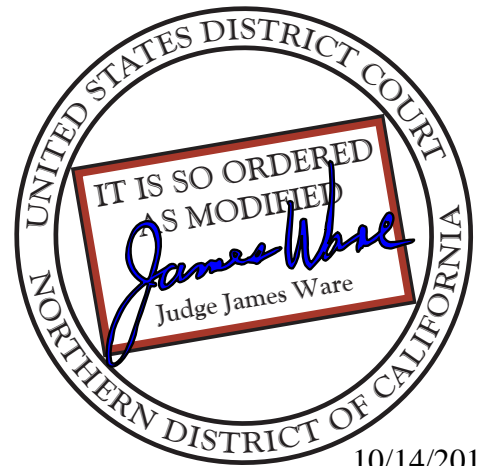


[List of Counsel Appears on Last Page]



10/14/2010

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Spring Design, Inc.,

Plaintiff,

vs.

Barnesandnoble.com LLC,

Defendant.

CASE NO. 5:09-cv-05185-JW

**STIPULATION AND [PROPOSED]
ORDER TO EXCEED PAGE LIMIT ON
DEFENDANT BARNESANDNOBLE.COM
LLC'S MOTION FOR SUMMARY
JUDGMENT AND PLAINTIFF SPRING
DESIGN, INC.'S OPPOSITION TO
SUMMARY JUDGMENT**

Trial Date: None set

STIPULATION

WHEREAS, pursuant to the May 4, 2010 Scheduling Order (Dkt. No. 113), as modified by the revised schedule approved by Special Master Thomas Denver on September 9, 2010, the deadline to file motions for summary judgment is Monday, October 18, 2010, and the deadline to file any oppositions is Monday October 25, 2010;

WHEREAS, defendant Barnesandnoble.com LLC ("BN") intends to file a motion for summary judgment;

WHEREAS, plaintiff Spring Design, Inc. ("Spring") intends to oppose BN's motion for summary judgment;

WHEREAS, Civil Local Rule 7-4(b) sets forth a limit of twenty-five (25) pages for the parties' memoranda of points and authorities in support of and in opposition to BN's motion for summary judgment;

WHEREAS, BN contends that it requires an oversized brief of forty (40) pages total to demonstrate that there is no material issue of fact and BN is entitled to judgment as a matter of law on Spring's claims for trade secret misappropriation, breach of the non-disclosure agreement and unfair competition under California Business & Professions Code Section 17200;

WHEREAS, Spring contends that it requires an equal opportunity to counter BN's motion and present argument to the contrary;

WHEREAS, on October 6, 2010, the parties agree that BN and Spring should be permitted to file memoranda of points and authorities that do not exceed forty (40) pages.

NOW, WHEREFORE, pursuant to Civil Local Rule 7-12, BN and Spring stipulate as follows:

BN may exceed the 25-page limit by fifteen (15) pages, thus changing the maximum length of its memorandum of points and authorities in support of its motion for summary judgment to forty (40) pages exclusive of exhibits, attachments, declarations, table of contents, table of authorities, and proof of service. Spring may also exceed the 25-page limit by fifteen (15) pages, thus changing the maximum length of its memorandum of points and authorities in opposition to BN's motion for summary judgment to forty (40) pages exclusive of exhibits,

1 attachments, declarations, table of contents, table of authorities, and proof of service.

2 IT IS SO AGREED AND STIPULATED.

3 DATED: October 11, 2010

4 QUINN EMANUEL URQUHART &
5 SULLIVAN, LLP

FENWICK & WEST LLP

6 /s/ Jennifer A. Kash

/s/ Elizabeth White

7 Charles K. Verhoeven (Bar No. 170151)
8 charlesverhoeven@quinnemanuel.com
9 Jennifer A. Kash (Bar No. 203679)
10 jenniferkash@quinnemanuel.com
11 50 California Street, 22nd Floor
12 San Francisco, California 94111
13 Telephone: (415) 875-6600
14 Facsimile: (415) 875-6700

Lynn H. Pasahow (CSB No. 054283)
lpasahow@fenwick.com
J. David Hadden (CSB No. 176148)
dhadden@fenwick.com
Saina S. Shamilov (CSB No. 215636)
sshamilov@fenwick.com
Elizabeth J. White (CSB No. 262073)
bwhite@fenwick.com

11 David W. Quinto (Bar No. 106232)
12 davidquinto@quinnemanuel.com
13 865 South Figueroa Street, 10th Floor
14 Los Angeles, California 90017
15 Telephone: (213) 443-3000
16 Facsimile: (213) 443-3100

Silicon Valley Center
801 California Street
Mountain View, California 94041
Telephone: (650) 988-8500
Facsimile: (650) 938-5200

Attorneys for Plaintiff SPRING DESIGN, INC.

Attorneys for Defendant

BARNESANDNOBLE.COM LLC

17 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

18 Pursuant to General Order No. 45, § X(B), regarding signatures, I attest under penalty of
19 perjury that the concurrence in the filing of this document has been obtained from its signatories.

20
21 Dated: October 11, 2010

22 By: /s/ Jennifer A. Kash
23 Jennifer A. Kash
24
25
26
27
28

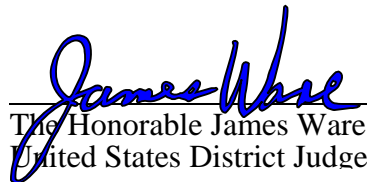
~~[PROPOSED]~~ ORDER

Based on the foregoing stipulation of the parties, it is hereby ordered that:

The page limit for defendant Barnesandnoble.com LLC's memorandum of points and authorities in support of its motion for summary judgment, due October 18, 2010, shall be **thirty (30)** pages. The page limit for plaintiff Spring Design, Inc.'s opposition to defendant's motion for summary judgment, due October 25, 2010, shall be **(30)** pages.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 14, 2010


The Honorable James Ware
United States District Judge